

05/30/01

JC885 U.S. PTO

PATENT
Customer Number 22,852
Attorney Docket No. 5725.0321-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application Art Unit: 1619 Prior Application Examiner: G. Yu

JC973 U.S. PTO
09/866731
05/30/01

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application No. 09/217,991 filed December 22, 1998, of Bertrand PIOT, et al. for MASCARA COMPRISING A MIXTURE OF HARD WAXES AND OF FILM-FORMING POLYMER

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application No. 09/217,991 as originally filed on December 22, 1998, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☒ Cancel Claims 33 to 58 without prejudice or disclaimer.
5. ☒ A Preliminary Amendment will follow in the near future. Please contact Sean A. Passino at (202) 408-6065 with any questions that can be resolved by a telephonic conference.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	32	-	20	12	x \$18	216.00
Independent Claims	1	-	3	0	x \$80	0.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	
Subtotal						\$ 926.00
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 926.00

LAW OFFICES

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FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, D. C. 20005
202-408-4000

09866731-053001

7. ☒ A check in the amount of \$926.00 to cover the filing fee is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before the first line, the paragraph:
- This application is a continuation of U.S. Application No. 09/217,991, filed December 22, 1998, which is incorporated herein by reference, and which claims the benefit of U.S. Provisional Application No. 60/135,117, filed August 31, 1998, which was converted from U.S. Non-provisional Application No. 09/144,279.
10. ☐ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: L'Oréal S.A.
12. ☒ CLAIM FOR PRIORITY under 35 U.S.C. § 119: Applicants claim the benefits of French Patent Application No. 97 16806, filed on December 31, 1997, in France. A certified copy of this application is on file in the prior U.S. Provisional Application 60/135,117, filed August 31, 1998, which itself was converted from U.S. Non-provisional Application No. 09/144,279. Applicants also claim the benefits of U.S. Provisional Application 60/135,117.
13. ☐ A verified statement claiming small entity status
- ☐ is enclosed or ☐ is on file in the prior application.
14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Heffer, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal,

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15. ☒ The power appears in the original declaration of the prior application.
16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
18. ☒ Recognize as associate attorney Sean A. Passino, Reg. No. 45,943.
19. ☒ Also enclosed are an Information Disclosure Statement and PTO 1449

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Thomas L. Irving
Thomas L. Irving
Reg. No. 28,619

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